

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
PETKUS ET AL.) Examiner: I. OKEKE
)
Serial No. 10/806,949) Art Unit: 2432
)
Confirmation No. 2846) Attorney Docket No.
) GCSD-1571 (51393)
Filing Date: MARCH 23, 2004)
)
For: MODULAR CRYPTOGRAPHIC DEVICE)
AND RELATED METHODS)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the final Official Action of October 22, 2009, and in connection with the Notice of Appeal filed concurrently herewith, please consider the remarks set out below.

I. The Claims Are Patentable

The Examiner rejected independent Claims 1, 13, 23, and 27 over Hay et al. Hay et al. is directed to a field deployable wireless networking device. More particularly, Hay et al. discloses a wireless networking device that has a weatherproof housing that protects a radio transceiver module, a network router, and an encryption module.

Applicants submit that the Examiner mischaracterized Hay et al. as it fails to disclose at least the cryptographic module including a first housing being removably coupled to the communications module including a second housing. The Examiner contended that Hay et al. discloses a cryptographic module comprising a first housing. More particularly, the Examiner contended that the encryption module 140 of Hay et al. being housed on a first component somehow corresponds to the claimed cryptographic module comprising a first housing. Hay et al. discloses a single outer housing 110.

As shown in FIG. 1A, wireless networking device 100
includes an outer housing 110, a communication component

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120, and a tripod stand 130. Outer housing 110 is designed to be weather resistant and/or weather proof.” (See Hay et al., paragraph 0021).

Wireless networking device 100 can include a number of components secured within outer housing 110. As shown in FIG. 1A, outer housing 110 may include an encryption module 140, a network router 145, a radio transceiver module 150, a power source 160, a video unit 170, a satellite uplink 180, and amplifier 185. (See Hay et al., paragraph 0027).

Indeed, Hay et al. discloses a single housing 110 that includes both encryption and communications components.

However, if, as the Examiner contends, any hypothetical component housing of the encryption module were to somehow correspond to the claimed cryptographic module including a first housing, then Hay et al. fails to disclose a wired Ethernet user LAN interface carried by the first housing. Applying the Examiner’s reasoning would require the wired Ethernet user LAN interface to be carried by the encryption module 140. In contrast, Hay et al. discloses an RJ-45 port carried by the outer housing 110 and “connected to the radio transceiver module 150 and encryption module 140 through network router 145.” (See Hay et al., paragraph 0023). Accordingly, Hay et al. fails to disclose at least the cryptographic module including a first housing being removably coupled to the communications module including a second housing, and the cryptographic module including a wired Ethernet user LAN interface carried by the first housing.

Similarly, the Examiner contended that Hay et al. teaches, “another component housing the communications module.” More particularly, the Examiner contended that the radio transceiver module of the communications component of Hay et al. somehow corresponds to the claimed communications module. Applicants point out that the communications component 120 and the radio transceiver 150 of Hay et al. are separate components. Communications component 120 includes an antenna and is external to the housing 110, while the transceiver module 150 is included within the housing 110. (See Hay

et al., paragraphs 0022 and 0027, and Figure 1A). Accordingly, Hay et al. also fails to disclose a communications module including a second housing and removably coupled to the cryptographic processor.

The Examiner also contended that the antenna or mast on the communications component 120 somehow corresponds to the claimed network communications interface carried by the second housing and coupled to the second connector. As noted above, the antenna is external to the housing 110. Moreover, cables couple the antenna to the wireless device 100. (See Hay et al., paragraph 0024). If the antenna were somehow even carried by the housing 110, even though it is not since it is coupled to the device by cables, then the Examiner could not contend that "another component housing the communications module" corresponds to the claimed communications module second housing, as this would mean that any housing of the communications module is a different housing from the housing 110. Thus, Hay et al. fails to disclose a network communications interface carried by the second housing and coupled to the second connector.

Moreover, under this particular interpretation of the Examiner, if the housing 110 were to somehow correspond to the claimed second housing, then there is no cryptographic processor including a first housing, and the modules are not removably coupled, as the encryption module of Hay et al. is also carried by the outer housing 110. (See, for example, Hay et al., Figure 1A, which is reproduced below for reference).

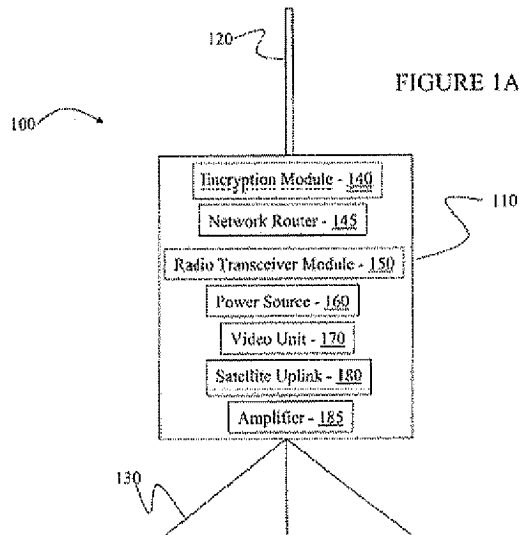


FIG. 1A of Hay et al.

Additionally, while each of the encryption module 140 and the transceiver module 150 may be interchangeable within the housing 110, nowhere does Hay et al. teach or suggest a second connector carried by the second housing and being removably mateable with the first connector of the cryptographic module. Such interpretation would require the encryption module 140 and the transceiver module 150 to include respective connectors that are removably mateable with each other. There is simply nothing in Hay et al. that teaches or suggests these limitations. There is nothing in Hay et al. that teaches or suggest each module includes a respective housing, and there is nothing in Hay et al. that precludes each module from being a circuit, a circuit board, or discrete components within the housing 110.

Moreover while the Applicants understand the Examiner may give the present claims a broad interpretation, the Examiner is reminded that any interpretation of the claims must be reasonable. Indeed, the interpretation of the claims to read on component housings is unreasonable.

The Examiner further contended that within the Hay et al. outer housing, "one can reasonably interpret or identify the two housings (encryption module and radio

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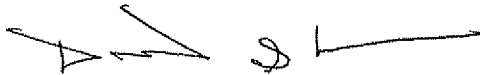
transceiver module) coupled together,” and thus, Hay et al.’s device is “akin to taking the applicant’s device and enclosing it within an outer shell for protection against environmental factors.” Applicants submit that the Examiner is distilling down Applicants’ claims to simply two components coupled together within an outer housing, and contends that because “Hay discloses a similar invention,” Hay et al. anticipates the claims. Applicants submit this reasoning is in error, and for at least the reasons described above in detail, the claims are patentable. Accordingly, Hay et al. fails to disclose the claimed invention, as recited in independent Claims 1, 13, 23, and 27.

It is submitted that independent Claims 1, 13, 23, and 27 are patentable over the prior art. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

II. CONCLUSION

In view of the arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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